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## REMARKS

The present invention provides a method for cleaning and disinfecting biomaterials that have the ability to reversibly sorb cationic antimicrobials. These biomaterials appear to accumulate antimicrobials when they are in contact with a solution having an antimicrobial concentration sufficient to drive sorption of the antimicrobial to the biomaterials. Then when the biomaterials contact an aqueous solution having lower antimicrobial concentrations, they desorb the antimicrobial over a period of time as the positively charged, ionically bound antimicrobial is released from the lens by displacement from endogenic ions in the tear film. The antimicrobial sorption behavior of hydrogel materials is of particular interest because hydrogel materials are commonly used as biomaterials, especially as contact lens materials.

Claim 18 of the subject application has been amended herein so as to have proper antecedent basis without adding new subject matter.

Claims 1, 3, 5-6, 9-11 and 14-17 stand rejected under 35 U.S. C. 102(b) as being anticipated by Ellis et al., U.S. Patent Number 5,401,327.

Applicants respectfully traverse the subject rejection of claims 1, 3, 5-6, 9-11 and 14-17 under 35 U.S.C. 102(b). Ellis et al., '327 is cited in the subject rejection as describing the use of compounds comprising polyethylene oxide chains to treat contact lenses so that the lenses repel protein deposits. In the subject rejection, it is then reasoned that a similar treatment should also repel bacteria because bacteria contain protein.

To the contrary, claims 1, 3, 5-6, 9-11 and 14-17 of the present application provide a method for inhibiting the **ability of a biomaterial to sorb** cationic antimicrobials. The subject method as disclosed and claimed differs significantly from the description of Ellis et al., '327 relating to methods for treating lenses to

repel protein deposits from forming on the surface of the treated lenses. Accordingly, the unique method of the present invention for inhibiting the ability of a biomaterial to sorb cationic antimicrobials as disclosed and claimed differs significantly from the patented invention described by Ellis et al., '327. For this reason in addition to others not set forth herein, the rejection of claims 1, 3, 5-6, 9-11 and 14-17 under 35 U.S.C. 102(b) is inappropriate. Withdrawal of the rejection of claims 1, 3, 5-6, 9-11 and 14-17 under 35 U.S.C. 102(b) is respectfully requested.

Claims 1-7, 9-16 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ellis et al., U.S. Patent Number 4,321,261.

Applicants respectfully traverse the subject rejection of claims 1-7, 9-16 and 19 under 35 U.S.C. 102(b). Ellis et al., '261 is cited in the subject rejection as describing the use of compounds to inhibit the adhesion of proteins. In the subject rejection, it is then reasoned that such a treatment should also inhibit the adhesion of bacteria because bacteria contain protein.

To the contrary, claims 1-7, 9-16 and 19 of the present application provide a method for inhibiting the **ability of a biomaterial to sorb** cationic antimicrobials. The subject method as disclosed and claimed differs significantly from the description of Ellis et al., '261 relating to methods for inhibiting protein adhesion to the surface of a contact lens. Accordingly, the unique method of the present invention for inhibiting the ability of a biomaterial to sorb cationic antimicrobials as disclosed and claimed differs significantly from the patented invention described by Ellis et al., '261. For this reason in addition to others not set forth herein, the rejection of claims 1-7, 9-16 and 19 under 35 U.S.C. 102(b) is inappropriate. Withdrawal of the rejection of claims 1-7, 9-16 and 19 under 35 U.S.C. 102(b) is respectfully requested.

Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al., '327 or Ellis et al., '261.

Applicants respectfully traverse the subject rejection of claim 18 under 35 U.S.C. 103(a). Ellis et al., '327 or Ellis et al., '261 are cited in the subject rejection as teaching the use of compounds to treat contact lenses so that the lenses repel protein deposits. In the subject rejection, it is then reasoned that a variety of contact lenses would be inclusive of extended wear lenses.

To the contrary, claim 18 of the present application provides a method for inhibiting the **ability of a biomaterial in the form of an extended-wear contact lens to sorb** cationic antimicrobials. The subject method as disclosed and claimed differs significantly from the teachings and suggestions of Ellis et al., '327 or Ellis et al., '261 relating to methods for treating lenses to repel protein deposits from forming on the surface of the treated lenses. Accordingly, the unique method of the present invention for inhibiting the ability of a biomaterial to sorb cationic antimicrobials as disclosed and claimed is neither taught or suggested by Ellis et al., '327 or Ellis et al., '261 whether considered individually or in combination. For this reason in addition to others not set forth herein, the rejection of claim 18 under 35 U.S.C. 103(a) is inappropriate. Withdrawal of the rejection of claim 18 under 35 U.S.C. 103(a) is respectfully requested.

Pending claims 1-7 and 9-19 as now written are believed to be patentable. Allowance of pending claims 1-7 and 9-19 is thereby respectfully requested.

Should there be any questions regarding this communication, please feel free to contact the undersigned at (636) 226-3340.

Respectfully submitted,

Handwritten signature of Rita D. Vacca, dated 1/8/03.

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**VERSION WITH MARKINGS TO  
SHOW CHANGES MADE**

**In The Claims:**

The claim has been changed as shown in the claim below of the same number wherein deleted language is [bracketed] and added language is underlined.

**Claim 18. (Amended)** The method of claim 17 wherein said [contact lens]  
silicone hydrogel material is an extended -wear contact lens suitable for periods  
of continuous wear for about 7 to about 30 days.